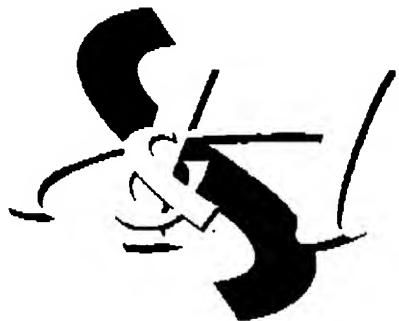


MAR 07 2006

**smith & hopen, p.a.**

15950 Bay Vista Drive, Suite 220  
 Clearwater, Florida 33760  
 727.507.8558 Tel  
 727.507.8668 Fax  
[www.baypatents.com](http://www.baypatents.com)

# FAX INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Thomas E. Toner
Attn:	Tracy Ann Vivlemore, Art Unit: 1635	Client:	1372.133.PRC
Fax:	(571)273-8300	Pages:	12 including coversheet
Phone:	(571)272-2914	Date:	March 7, 2006
Re:	USSN 10/708,239	CC:	University of South Florida

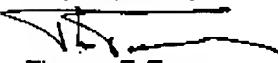
Urgent     For Review     Please Comment     Please Reply     Please Recycle

Dear Examiner Vivlemore:

In response to the non-final office action mailed November 7, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated March 7, 2006 (2 pages);
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated March 7, 2006 (6 pages);
- 3) Petition and Fee for Extension of Time with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated March 7, 2006 (2 pages); and
- 4) Credit Card Payment Form PTO-2038 in the amount of \$60.00 (1 page).

Very respectfully,

  
 Thomas E. Toner  
 Reg. No. 57,422

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

**RECEIVED  
CENTRAL FAX CENTER**

004/012

**MAR 07 2006****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 10/708,239 Confirmation No. 2238  
Applicant : Cress Jr., William Douglas, et al.  
Filed: 02/18/2004  
TC/A.U. : 1635  
Examiner : Vivlemore, Tracy Ann  
Docket No. : 1372.133.PRC  
Customer No. : 21,901  
For : EF21 RNA Inhibitor to Prevent Apoptosis

Transmitted to Central Fax at (571) 273-8300  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicants are independent inventors.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that an extension of term is required. Petition and Fee for Extension of Time is attached hereto.

---

**CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R.1.8(a))**

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 1635, Attn: Tracey Ann Vivlemore, (571) 273-8300, on March 7, 2006.

Date: March 7, 2006

  
April Turley

(Amendment Transmittal—page 1)

**FEE FOR CLAIMS**

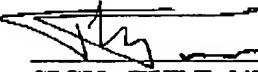
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col.1)		(Col. 2)	(Col. 3) SMALL ENTITY		
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	
Total 4	Minus 20	= 0	x \$25 =	\$0	
Indep. 2	Minus 3	= 0	x \$100 =	0	
First Presentation of Multiple Dependent Claim			+ \$180 =	\$0	
			Total		
			Addit. Fee	\$0	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
- \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



**SIGNATURE OF PRACTITIONER**

Reg. No. 57,422  
Tel. No.: (727) 507-8558

Thomas E. Toner  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760

(Amendment Transmittal—page 2)